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TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Don P. Johnson
Town Manager

May 1, 2003

Atlantic Sea Grill
77 Great Road
Acton, MA 01720

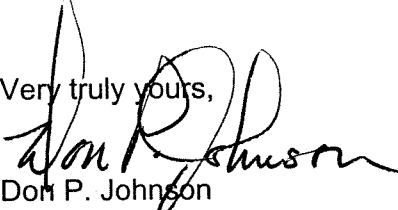
Dear Ali Zosherafatain:

On April 7, 2003 the Acton Police Department conducted a spot check with respect to your policies and procedures for the service or sale of alcoholic beverages to minors. The Board of Selectmen has been advised by the Police Chief that, during the course of this check, your establishment allowed the purchase of an alcoholic beverage by a minor.

The Board of Selectmen considers this to be a serious violation of the responsibilities of a liquor license holder in the Town of Acton and has ordered a hearing into this matter. The hearing will be before the Selectmen on June 2, 2003 at 8:00 P.M. in room 204 of the Acton Town Hall. You are requested to appear before the Board at that time to explain the circumstances related to the incident in question and to show cause as to why your license should not be suspended. Your testimony will be considered in the Boards' determination as to what action (s) it will take under the circumstances.

Please contact Christine Joyce of the Town Manager's office at 264-9612 to confirm your representation at the scheduled hearing.

Very truly yours,


Don P. Johnson
Town Manager

Cc: Police Chief

Acton Police Department

InterDepartmental Memo

SELECTMEN'S BUSINESS

4/28/03

12

From: Frank J. Widmayer, Chief of Police

Date: April 18, 2003

To: Don Johnson, Town Manager

Subj: Alcohol compliance check

Attached is a copy of a report detailing the actions of Det. Scott Howe in an alcohol service compliance check of the establishments licensed to serve in Acton. A photograph of the police intern is also attached.

I recommend that the Board of Selectmen take any action they deem appropriate on the one establishment found in violation.



Frank J. Widmayer
Chief of Police

**Acton Police Department
Incident Report**

April 18, 2003

Friday 14:23

Single Narrative

INCIDENT LOCAL # PRIORITY ACC REP	ACTIVITY ADDRESS (JURISDICTION) DISPOSITION	OFFICER(S)	RECEIVED DISPATCHED ARRIVED CLEARED	DISPATCHER SUPERVISOR NATURE INCIDENT TYPE
I0306342 9 No Yes	PATROL INITIATED POLICE STATION 365 MAIN ST Cross: 6 ISAAC DAVIS WY HAYWARD RD @383 ACTON, MA, 01720 (01) INVESTIGATION	HOWE	04/07/2003, 15:07 04/07/2003, 15:07 04/07/2003, 15:07 04/07/2003, 18:10	MERRILL COWAN ALCOHOL STING BY-LAW VIOL CT: MERRILL
<p>Reported as: BY-LAW VIOL Found as: BY-LAW VIOL Domestic Abuse: No</p> <p>Dispatcher Remarks: 45SH/INTERN ALCOHOL STING AT THIS TIME. VIOLATION AT 77 GREAT RD</p> <p>OTHER HERLIHY, KEITH M License: None (Male) 26 LEXINGTON RD M0301449 DRACUT MA 01826 Phone: None Recorded Race: WHI DOB: 05/18/1982 Age: 20 Commnt: APD INTERN/ ALCOHOL COMPLIANCE CHECK</p> <p>SUSPECT ATLANTIC SEA GRILL License: None 77 GREAT RD M9803426 ACTON MA 01720 Phone: 263-3163 DOB: None Recorded Commnt: SOLD ALCOHOL TO HERLIHY/UNDERAGE</p> <p>Narrative(s):</p> <p>Narr. 1: DET. SCOTT HOWE Division: None Status: Open [I0306342] Title: ALCOHOL COMPLIANCE Entered: DET. SCOTT HOWE Date: 04/08/03 Reviewed: No officer Edit: 04/08/03</p> <p>ON 4/7/03 AT APPROXIMATELY 1507 HRS., MYSELF AND DET. RENTSCHLER, WITH THE ASSISTANCE OF KEITH HERLIHY 5/18/82, CONDUCTED AN ALCOHOL SALES COMPLIANCE CHECK. MR. HERLIHY WAS INSTRUCTED TO ENTER THE PREMISES AND REQUEST AN ALCOHOLIC BEVERAGE. MR. HERLIHY WAS INSTRUCTED THAT IF HE WAS ASKED FOR IDENTIFICATION, HE WAS TO INFORM THE CLERK THAT HE DID NOT HAVE ANY. MR. HERLIHY WAS INSTRUCTED THAT AT NO TIME WAS HE TO ATTEMPT TO DECEIVE THE CLERK AND WAS TO ANSWER THEIR QUESTIONS TRUTHFULLY. MR. HERLIHY WAS INSTRUCTED TO IMMEDIATELY LEAVE THE PREMISES AND NOTIFY US IF HE WAS SERVED ALCOHOL. ATTACHED TO THIS REPORT ARE A COPY OF MR. HERLIHY'S LICENSE AND A POLAROID PHOTOGRAPH TAKEN BY ME ON THIS DATE.</p> <p>I GAVE MR. HERLIHY \$60 (THREE TWENTY DOLLAR BILLS). I ASKED MR. HERLIHY NOT TO HAVE ANYTHING ELSE ON HIS PERSON. MR. HERLIHY PLACED ALL OF HIS POSSESSIONS ON MY DESK AT THE POLICE STATION.</p> <p>WE COMPLETED 17 ESTABLISHMENTS WHILE 3 WERE CLOSED AT THE TIME OF OUR CHECK. LISTED BELOW IS THE ESTABLISHMENT WHO WAS FOUND NOT TO BE IN COMPLIANCE. WE SPOKE WITH THE MANAGER AND IDENTIFIED THE CLERK WHO PROVIDED THE ALCOHOL.</p>				

COPY

Acton Police Department
Incident Report


April 18, 2003

Friday 14:23

Single Narrative

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Narrative 1 (continued) By: DET. SCOTT HOWE Incident I0306342				
ATLANTIC SEA GRILL 3:44PM CLERK: DIANA MORSE MANAGER: ALI ZOSHERAFATAIN ASKED FOR BUD LIGHT BEER, NEVER ASKED FOR I.D. - DID NOT RECEIVE RECEIPT FOR \$3.95				
RESPECTFULLY SUBMITTED,				
DET. SCOTT J. HOWE #45 ACTON POLICE DEPARTMENT				

Massachusetts **Driver's License**

05-18-82	05-18-04	M	5'08"	D	029625599
Date of Birth	Expires	Sex	Height	Class	Number
Under 21 until 05-18-03		1	Junior Operator		
		Restrict	until 05-18-00		
		HERLIHY KEITH M 28 LEXINGTON RD DRACUT, MA 01826-4148			
<i>Paul J. Register</i>		<i>Keith Herlihy</i>			

CJIS 926004 04/08/2003 0845 S1599/6599.

TRP

**** CJIS DISPLAY FOR LACT01 ON 04/08/03 08:45 EDT

*** RECORD NOT FOUND MSG ID = 02.0361

KEYS USED = REF/ NIC/ LOJACK REPLY CODE/
LIC/ LIS/ LIT/ VIN/
NAM/ DOB/ RAC/ SEX/
SOC/ OLN/ 029625599 WAR/

ALARS

CJIS 926004 04/08/2003 0846 S1599/6599.

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

04/08/03 0845

--- DRIVER INQUIRY ---

KEYS USED: 029625599

OLN:029625599

STATUS:ACT

SOC: 029625599

CDL STATUS:

REASON:

NAME L: HERLIHY

F: KEITH

M: M

DOB: 05/18/1982

SEX: M

HGT: 5 08

RESIDENCE:

CITY:

ST: ZIP:

BLDG/APT:

MAIL ADDR: 26 LEXINGTON RD

CITY: DRACUT

ST: MA ZIP: 01826-4148

BLDG/APT:

DRIVERS ED: Y MAB REVIEW: N MILITARY: N

PREVIOUS NAME L: F: M:

RESTRICTIONS: TIME: TO

TYPE CLASS ISSUE DATE EXP DATE

L D 05/15/2000 05/18/2004